

OUSLEY STATES POLITICAL VIEWS

Not Candidate for Senate Unless Conditions Necessitate

Fort Worth, Tex., Dec. 30.—Clarence Ousley today issued the following statement:

I am not a candidate for United States senator, nor will I be unless some emergency arises which I cannot now foresee. I have never looked upon the office with covetous eyes, and my reflection about it has been a consultation with duty rather than with desire.

I share the apprehension of many good men that the senatorial contest may be determined in large part upon irrelevant issues, and this would be a deplorable outcome. If I thought my candidacy alone would avert that misfortune, I would make the race regardless of the consequences to myself. But I am hopeful that the lapse of months and a full discussion of the real issues will soften prejudices and bring our citizenship to a deliberate study of the principles and policies involved in the present situation. It is pleasing evidence of a more tolerant state of public mind that a large number of the citizens who have asked me to become a candidate were ardent prohibitionists in the last campaign. In any event, I will do my full share in promoting a consideration of the real issues, and that is the extent of commanding obligation as I see it at this time.

I am committed to certain undertakings of a more or less public nature—particularly in educational affairs and in the matter of a solution of the problem of fair cotton pricing—and it seems to me that these are superior duties and opportunities for service. Active endeavor in these respects is not incompatible with honorable office seeking, but in these days of morbid suspicions and perverse misrepresentations an appearance of political purpose is more or less hurtful to efficiency, and I prefer to be unhindered in doing what I think I ought to do or what my fellow men ask me to do.

To small minds this may seem a little egotistical or self-important, but those who know me will perfectly understand it and the greater part of the people, I am sure, will accept it in

good faith.

Personal Appreciation.

I have no words to express my appreciation of the generous overtures that have come to me from men I do not know, as well as from personal friends. I find more satisfaction in the assurance of their esteem than I could hope to find in even so exalted an office as United States senator. If, at any time it appears that I am needed in public station, lowly or lofty, I will cheerfully serve my people, but under present circumstances I cannot bring myself to believe that at this time I should undertake the burden of a campaign for United States senator. Therefore, I wish to release my friends from their voluntary commitment to me.

I do not expect to see Senator Bailey's place filled by a man as profound, forceful and useful as he is, for there is no such man amongst us, but I hope to see it filled by one as patriotic and as sound in the policies which I regard as essential to the perpetuity of the republic and the welfare of our producing masses. I believe that men of courage and earnestness who wish to serve the people will be rewarded above those who lack conviction or refuse to express conviction in the midst of noisy clamor, and I admonish those who seek political preferment to be sure that they are not making a bad guess as to what public opinion is or what it will be when it is thoroughly informed.

Having said this much I trust it will not be considered amiss for me now to discuss briefly the proposed elimination primary in May and the suggested plurality instruction in the July primary.

A May primary is impracticable. We could not hope, in the light of the experience of the Bailey-Johnson primary, that it would develop 50 per cent of the Democratic vote, and such a primary would be an inadequate expression of Democratic opinion. The vote would be confined, in large part, to towns and cities, because the farmers will be busy in their fields and will refuse to go to the ballot box in the absence of exciting issues and other political considerations such as will be developed in the July primary when all other candidates are to be chosen and other public questions are to be settled. To my mind, it is more important to learn the will and to consult the welfare of producers than it is to hear the voices of those who dwell in towns and cities, and I am unwilling to see a candidate for United States senator chosen by any device that does not offer a reasonable prospect that the farmers of our state will participate in the selection. This is reason

enough why a May primary should not be held; it might fail of the purpose it professes by eliminating the very man or men most acceptable under the test of a full vote.

Plurality Instruction.

A plurality nomination by a vote of the entire state will be contrary to the spirit of the constitutional provision of the election of United States senators. Under the constitution, the legislature alone is vested with the right to elect United States senators. A legislator should faithfully obey the instructions of the people he represents, but in this matter he represents the people who elect him and not the people of the entire state. If the people of any legislative district should desire to instruct for another than the avowed candidates, they have a right, under the constitution, to do so. Or if the people of such a district neglect to instruct for any person, the legislator is entitled to cast his vote at his own discretion. I am old-fashioned enough to believe in preserving inviolate and without evasion every right granted by the constitution to a legislative district or to a legislator as well as to an individual citizen, and I oppose any party rule or any agreement among candidates which restrains the exercise of such rights. I am not now discussing the relative merits of senatorial elections by the legislature or by the people; I am only contending for an observance of the organic law so long as it is the law. The office of United States senator does not belong to the men who seek it, it belongs to the legislative constituencies or to the legislators acting under local instruction or upon their own judgment in the absence of instruction. Our primary law conforms to the constitution by providing that candidates for the senate may have their names entered upon the ticket by legislative districts, and any other method, by order of party authority or by compact among candidates, is an evasion of the constitution.

If legislators choose to accept instruction by a plurality of the whole state, and if they so agree with their own constituents, that is an affair between them and their constituents. But I submit that every legislative constituency should enjoy the right, if it so chooses, to have its vote cast for whom it pleases without incurring the reproach of a plurality or even a majority of all the voters of the state.

I am not inviting other candidates to enter the contest, nor am I suggesting that legislative constituencies or legislators present other candidates; I am only reminding legislative constituencies and legislators of the rights they have under the constitution and insisting that these rights shall not be abridged by methods of apparent expediency or personal political convenience.

Primary System Dangers.

The primary system was designed to correct the abuses of political bossism and convention manipulation, but it will lead to greater injury to the public service if it is so employed as to limit the opportunity of the people to counsel among themselves and call out men who are reluctant to seek office. Already the primary system has brought us to the point where, other things being approximately equal, the man who spends the most money in promoting his candidacy will receive the most votes. If it is to operate also as a handicap to popular initiative, if the office may not be sought by the man, if choice is to be confined to the self-seeking and if the self-seeking are encouraged to guess at public opinion without contributing to public enlightenment, we will come speedily to the hindrance of the high thinking and the destruction of the courageous leaderships that have developed, preserved and ennobled the republic.

For my part, I am content to make choice among the present candidates upon the issues which have been raised, but I am unwilling to deprive any legislative constituency, that may not be content, of the opportunity to exercise its constitutional right, and should not permit themselves to be led heedlessly into any commitment that may tend to weaken their own sense of responsibility. We cannot afford to suspend or ignore the constitution or to alter well tested political institutions merely to escape some temporary embarrassment or to meet some passing emergency. No appeal to opportunism in the interest of a faction or a favorite should persuade us to yield the smallest of our rights as individuals or units of political and governmental action.

We must remember that in our state a Democratic selection, by primary or otherwise, in effect is an election and we must be careful to preserve ultimate electoral rights.

Taking property without due process of law is confiscation; abridging a man's liberties without compelling cause is tyranny; depriving a citizen or a community of constitutional or inherent political rights is oppression as wicked as confiscation or tyranny. The tendency of the times is to hold the citizen's or the community's political rights as subordinate to the interest or the pleasure of majorities or pluralities and to regard constitutions as mere impediments. We are in great danger of magnifying the sentiment, "Let the people rule," to the point where no man's liberty or political right will be safe against the ambitions or the passions of the hour.

Lessons of History.

Some of us seem to have forgotten recent history. It is only one generation since a majority of the great

American people subjected their brothers of the South to infamous humiliation, denied them their political rights and sought to subject them to the rule of their late slaves; and the American congress wickedly withheld from the supreme court jurisdiction over certain reconstruction acts which were confessedly unconstitutional. I believe the world is growing more tolerant but I am painfully aware that its progress in this respect is at a snail's pace. A mere forty years of time has not broadened and refined us to the extent that we may abandon the safeguards erected for the protection of minorities by sections, states, communities and groups of individuals.

Some of us seem to have forgotten even Texas history and the occasion of the state's heroic struggle against a denial of local legislative rights. It is important for the people and public men as well as school children to "remember Goliad—remember the Alamo." Not all the wars for liberty are fought upon the battlefield. If "peace hath her victories no less renowned than war," she has, also, her perils—no less real because they do not appear in martial array.

I have implicit faith in the wisdom of the mass of the people when they are informed and when they act with deliberation, but I fear majorities as much as I fear tyrants when majorities are possessed of the notion that their rights are superior to constitutions and to the reserved rights of individuals and communities. In our impatience to do a particular thing which we desire, and in our adulation of the popular will, we seem to have forgotten that the people themselves deliberately provided in their constitution, which is their supreme law and the only law of their own making, certain restrictions against themselves in order that they might not in moments of rashness do injury to the weakest among them.

Need for Sober Judgment.

I have always favored the election of United States senators by the people instead of by legislatures, but I doubt the wisdom of the reform if plurality of one party is to control the party, thereby to control the state, and thus to effect the paradox of minority rule in democratic government. Unless this danger can be averted I prefer a legislative umpire to determine factional candidacies and to prevent the ascendancy of policies which a majority of the people oppose but to which they may be committed by the device of party plurality control.

Honorable ambition commands my admiration, but it is the public service and not personal preferment which should concern the people and they should preserve the means of exercising their own discretion in representative council or otherwise. Whatever abuses may have developed in other states, none has developed in Texas to require the utter abandonment of local autonomy, and representative responsibility. Indeed, in the character of her public men and in the accomplishments of her public service Texas presents a prouder record than any state of new and multiplied political devices can boast and while we should not set our faces against progress we should be sure that proposed changes may not work more evil than good.

I have not lost faith in the wisdom of legislative constituencies acting through their representatives, and I believe that they may be safely trusted to choose a United States senator; and I believe that these representatives, responding to the will of their constituents, will be above and beyond blandishment by self-seekers or coercion by pluralities.

We cannot devise an automatic system of good government. We must rely always upon the intelligence, the virtue and the sober judgment of the people, and of those three the most important in political method is sober judgment; for so long as human nature is frail and prone to impulse, wisdom will come only through reflection. There need be no fear that the people of Texas will not rule wisely if they preserve the means of acting upon understanding and with deliberation. They may disappoint the ambitious, but they will not disappoint themselves.

CLARENCE OUSLEY.

Bishop Kelley's 38th Anniversary.
Savannah, Ga., Dec. 30.—In commemoration of the 38th anniversary of his priesthood Rt. Rev. Benjamin Kelley, bishop of Savannah, tomorrow will celebrate pontifical high mass, assisted by a number of distinguished clergymen of his diocese. Bishop Kelley, who was ordained priest on December 31, 1873, today was the recipient of numerous letters and telegrams of congratulations. Among the messages was one from Cardinal Gibbons who officiated at the consecration of Bishop Kelley at St. Peter's Cathedral, Richmond, Va., June 3, 1900.

Bishop Kelley was born at Petersburg, Va., October 13, 1847, and studied for the priesthood at the American College in Rome, Italy. After his ordination in December, 1873, he was in charge of various parishes in New Castle and Wilmington, Del., and later in Atlanta, Ga. In 1896 he was sent to Savannah and four years later was made bishop of this diocese.

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